

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE WORLD TRADE CENTER
DISASTER SITE LITIGATION

21 MC 100 (AKH)

THIS DOCUMENT RELATES TO *Frank
Malone v. City of New York*, 05 CV 4111 and
ALL CASES INVOLVING NEW YORK CITY
FIREFIGHTERS AND FIRE OFFICERS

**NOTICE OF PLAINTIFFS' MOTION FOR SANCTIONS PURSUANT TO FRCP
37 FOR THE CITY OF NEW YORK'S ADMITTED SUPPRESSION OF
EVIDENCE FOR SIX YEARS**

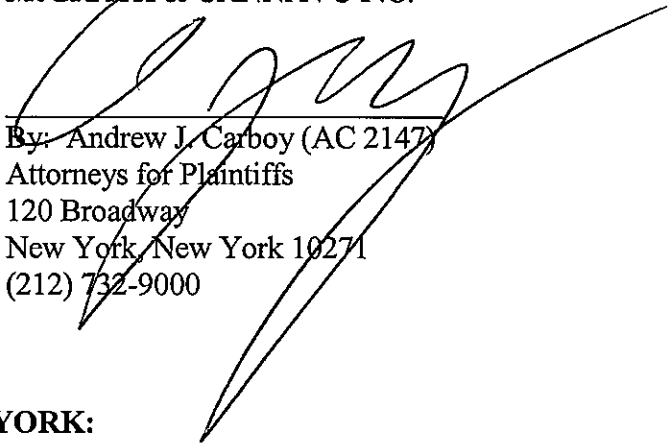
Upon the annexed certification of Andrew J. Carboy, an attorney, dated February 16, 2010 and the exhibits annexed thereto, Plaintiffs will move this Court, the Honorable Alvin K. Hellerstein, United States District Judge, presiding, Room 14D, United States District Court, Southern District of New York, 500 Pearl Street, New York, New York 10007, at a date and time to be determined, for an order, pursuant to Rule 37 of the Federal Rules of Civil Procedure for a sanctions hearing concerning the unjustified, unilateral and admitted willful suppression by the City of New York of relevant evidence: the written Respiratory Protection Program of the Fire Department of New York. The Plaintiffs also request that the answer of the City be stricken

in all 21 MC 100 cases involving members of the FDNY.

Dated: New York, New York
February 16, 2010

Respectfully submitted,

SULLIVAN PAPAIN BLOCK
McGRATH & CANNAVO P.C.



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